

HIPAA Highlights for Maine EMS providers

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy regulations implemented standards for how information that identifies a patient may be used and disclosed (Title 45, Code of Federal Regulations (CFR), Parts 160 and 164). These regulations apply to “covered entities” including health care plans, health care clearinghouses, and certain health care providers. The privacy standards went into effect on April 14, 2003.

The regulations were amended in August 2002 deleting the requirement to obtain an individual’s consent for the use and disclosure of private health information for treatment, payment, and health care operations (45 CFR § 164.506).

The following questions are only intended to provide an understanding about how HIPAA affects some of the more common situations encountered by EMS services. This document is NOT intended to provide you with legal advice, nor is it a complete list of questions that may arise. For more information about HIPAA, please refer to the web sites listed. For legal advice, contact your service’s attorney.

Should I still report cases of abuse of children and incapacitated or dependent adults?

Yes. Sections 164.512(b)(1)(ii) and 164.512(c)(1)(i) allow covered entities to make these types of disclosures. Under Maine law, you MUST report these situations if you have reasonable cause to suspect abuse, neglect, or (adult) exploitation. 22 MRSA §§ 3477, 4011-A.

Can I still give a copy of a run report to a law enforcement officer?

Yes. Section 164.512(f) permits certain disclosure of PHI to law enforcement officers. The Maine Freedom of Access Law permits law enforcement officers who are conducting a criminal investigation to obtain copies of run reports upon request. 1 MRSA § 402 (3)(H).

Our recommendation is that your service establish a procedure that such requests be in writing. These requests should be kept by your Privacy Officer as described in HIPAA.

Does HIPAA affect our dispatch center?

The effect of HIPAA on EMS dispatch centers will depend mainly upon their structure. In most cases, dispatch centers will not be considered covered entities because they offer no direct treatment to patients. This is generally true for dispatch centers that are organizationally independent of other health care providers. (Source: National EMSC Data Analysis & Resource Center)

Is it OK to provide copies of run reports with the regional quality assurance/improvement program?

Yes. Section 164.512(d) permits covered entities to disclose PHI to a health oversight agency for certain functions including quality assurance/improvement – and the Maine EMS Protocols require all EMS providers to participate in the regional QA/I programs.

Are there some web sites that have useful and accurate HIPAA information?

Yes.

Centers for Medicare and Medicaid Services (CMS):

<http://www.cms.hhs.gov/hipaa>

National EMSC Data Analysis and Resource Center (NEDARC):

http://nedarc.med.utah.edu/HIPAA/HIPAA_info.htm